IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1763 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 28/10/2004 in WPMP No.3502 of 2002 and WVMP No.2278 of 2004 in WP NO : 2909 OF 2002 on the file of the High Court.)

Between:

1 Sanaboina Satyanarayana, S/o. Venkanna,
R/o.Aswaraopet village and Mandal, Khammam District.
2 Kottapalli Raju, S/o. Rama Chandra Rao,
R/o.Aswaraopet village and Mandal, Khammam District.
3 Illuri Appala Swamy, S/o. Narasimham Murthy,
R/o.Aswaraopet village and Mandal, Khammam District.
4 Pilli Verraju, S/o. Laxman Rao,
R/o.Aswaraopet village and Mandal, Khammam District.
5 Guttikonda Prakash, S/o. Venkateshwara Rao,
R/o.Aswaraopet village and Mandal, Khammam District.
6 Lingisetti Prasada Rao, S/o. Nageswara Rao,
R/o.Aswaraopet village and Mandal, Khammam District.
7 Bukkuri Parvathi, W/o. Appala Swamy,
R/o.Aswaraopet village and Mandal, Khammam District.
8 Medavarapu Haribabu, S/o. Ramachandra Rao,
R/o.Aswaraopet village and Mandal, Khammam District.
9 Tirumalasetti Satyanarayana, S/o. Venkanna,
R/o.Aswaraopet village and Mandal, Khammam District.
10 Polisetti Rama Rao, S/o. Jinna,
R/o.Aswaraopet village and Mandal, Khammam District.
11 SK. Ahmed Jani, S/o. Jinna,
R/o.Aswaraopet village and Mandal, Khammam District.
12 Kurcheela Nageswara Rao, S/o. Venkanna,
R/o.Aswaraopet village and Mandal, Khammam District.
13 Karpurapu Suryanarayana, S/o. Subba Rao,
R/o.Aswaraopet village and Mandal, Khammam District.

14 Paila Satyanarayana, S/o. Papayya,
R/o.Aswaraopet village and Mandal, Khammam District.
15 Polisetti Satyanarayana, S/o. Gaddaiah,
R/o.Aswaraopet village and Mandal, Khammam District.

16 Paladagula Venkata Subba Rao, S/o. Ramayya,
R/o.Aswaraopet village and Mandal, Khammam District.
17 Paladdagula Pedda Subba Rao, S/o. Polaiah,
R/o.Aswaraopet village and Mandal, Khammam District.
18 Metta Anantha Rao, S/o. Suryanarayana,
R/o.Aswaraopet village and Mandal, Khammam District.
19 Bollineni Radhakrishna Murthy, S/o Govindaiah,
R/o.Aswaraopet village and Mandal, Khammam District.
20 Chebrolu Rama Rao, S/o Veeraiah,
R/o.Aswaraopet village and Mandal, Khammam District.
21 Kolatampalli Velayudam, S/o Narayan,
R/o.Aswaraopet village and Mandal, Khammam District.
22 Sanaboina Eswara Rao, S/o Venkanna,
R/o.Aswaraopet village and Mandal, Khammam District.
23 Gyanadrushti Prasad, S/o Balaram,
R/o.Aswaraopet village and Mandal, Khammam District.
24 Shaik Balaji, S/o Khaja,
R/o.Aswaraopet village and Mandal, Khammam District.
25 Sanaboina Lava Raja, S/o Venkanna,
R/o.Aswaraopet village and Mandal, Khammam District.
26 Jaladani Mallikarjuna Rao, S/o Suranna,
R/o.Aswaraopet village and Mandal, Khammam District.
27 Gajavali Srinivasa Rao, S/o Nageswara Rao,
R/o.Aswaraopet village and Mandal, Khammam District.
28 Chukka Satyavati, S/o Narasimham Murthy,
R/o.Aswaraopet village and Mandal, Khammam District.
29 Paddam Rama Rao, S/o Narayana,
R/o.Aswaraopet village and Mandal, Khammam District.
30 Sanaboina Veerabhadram, S/o Venkanna,
R/o.Aswaraopet village and Mandal, Khammam District.
31 Prajapati Swaroopa Rao, S/o Sahnaji,
R/o.Aswaraopet village and Mandal, Khammam District.
32 Padamanabhuni Kesava Rao, S/o Satyanarayana,
R/o.Aswaraopet village and Mandal, Khammam District.
33 Shaik Pedda Mastan, S/o Sattar,
R/o.Aswaraopet village and Mandal, Khammam District.
34 Lingisetti Hanumantha Rao, S/o Nageswara Rao,
R/o.Aswaraopet village and Mandal, Khammam District.
35 Paddam Yellaiah, S/o Jagga Rao,
R/o.Aswaraopet village and Mandal, Khammam District.
36 Shaik Madarabi, W/o Ramzan,
R/o.Aswaraopet village and Mandal, Khammam District.
37 Pedapudi Venkataramana, S/o Godari,
R/o.Aswaraopet village and Mandal, Khammam District.
38 Karpurapu Satyanarayana, S/o Subba Rao,
R/o.Aswaraopet village and Mandal, Khammam District.

39 Mididadla Subrahmanyam, S/o Venkateshwara Rao,
R/o.Aswaraopet village and Mandal, Khammam District.
40 Badarala Parvathi, W/o Venkateswara Rao,
R/o.Aswaraopet village and Mandal, Khammam District.

41 Gunda Ram babu, S/o Veera Raghavulu,
R/o.Aswaraopet village and Mandal, Khammam District.
42 Musuku Venkataramana, S/o Venkateswara Rao,
R/o.Aswaraopet village and Mandal, Khammam District.
43 Baisani Subba Lakshmi, W/o Ananthaiah,
R/o.Aswaraopet village and Mandal, Khammam District.
44 Nalle Srenu, S/o Sri Rama Murthy,
R/o.Aswaraopet village and Mandal, Khammam District.
45 Annavarapu Gangachalam, S/o Ramulu,
R/o.Aswaraopet village and Mandal, Khammam District.
46 Cheemkurthi Vishweswara Rao, S/o Ramulu,
R/o.Aswaraopet village and Mandal, Khammam District.
47 Raavivenkata Purnachandra Rao, S/o Venkata Subbaiah,
R/o.Aswaraopet village and Mandal, Khammam District.
48 Bandari Sreenu, S/o Peeter,
R/o.Aswaraopet village and Mandal, Khammam District.
49 Katla Prasad, S/o Basvaiah,
R/o.Aswaraopet village and Mandal, Khammam District.
50 Tiruvalluru Ramesh Babu, S/o Venakteswara Rao,
R/o.Aswaraopet village and Mandal, Khammam District.
51 Kola Ramaswamy, S/o Laxmaiah,
R/o.Aswaraopet village and Mandal, Khammam District.
52 Gyanadrushti Ramu, S/o Balaram,
R/o.Aswaraopet village and Mandal, Khammam District.
53 Shaik Yousuf, S/o Akbar,
R/o.Aswaraopet village and Mandal, Khammam District.
54 Alladi Narayana, S/o Papaiah,
R/o.Aswaraopet village and Mandal, Khammam District.
55 Patcha Satyanarayana, S/o Rattaiah,
R/o.Aswaraopet village and Mandal, Khammam District.
56 Devarakonda Nagamutyam, S/o Nagesh,
R/o.Aswaraopet village and Mandal, Khammam District.
57 Yelamadala Subba Rao, S/o Koteshwara Rao,
R/o.Aswaraopet village and Mandal, Khammam District.
58 Lingisetti Durga Rao, S/o Jaggulu,
R/o.Aswaraopet village and Mandal, Khammam District.
59 Gatla Sarweswara Rao, S/o Ramulu,
R/o.Aswaraopet village and Mandal, Khammam District.
60 Madupu Venkataramana, S/o Subba Rao,
R/o.Aswaraopet village and Mandal, Khammam District.
61 Lingesetti Pulla Rao, S/o Nagesh,
R/o.Aswaraopet village and Mandal, Khammam District.
62 Lingesetti Venkateswara Rao, S/o Jaggulu,
R/o.Aswaraopet village and Mandal, Khammam District.
63 Panuganti Joga Chari, S/o Poorna Chari,
R/o.Aswaraopet village and Mandal, Khammam District.
64 Kancherla Vasu, S/o Veerabhadram,
R/o.Aswaraopet village and Mandal, Khammam District.

65 Padmanabhuni Ramu, S/o Kesava Rao,
R/o.Aswaraopet village and Mandal, Khammam District.

..... APPELLANTS

AND

1 The District Collector, Khammam District, Khammam
2 The Mandal Revenue Officer, Aswaraopeta Mandal, Khammam

District
3 The Assistant Engineer, Roads & Buildings Department,
Aswaraopeta, Khammam District
4 The Deputy Executive Engineer, Roads & Buildings Department,
Sathupally, Khammam District
5 The Executive Engineer, Roads & Buildings Departments,
Aswaraopeta, Khammam District
6 The Depot Manager, A.P.S.R.T.C., Aswaraopeta, Khammam District

.....RESPONDENTS

Counsel for the Appellant:MR.BADANA.BHASKARA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent Nos.3 to 5: G.P for Roads and Buildings

Counsel for the Respondent No.6: Smt.P.Rajani, S.C. for APSRTC

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Appellants are aggrieved by the order passed by learned single Judge on 28th October, 2004 dismissing WPMP No.3502 of 2002 and allowing WVMP No.2278 of 2004 filed in W.P.No.2909 of 2002.

There was an interim order passed and was operative from 14th February, 2002. When vacate application was filed in the year 2004, the order impugned in this appeal was passed merely on the ground that counsel for the petitioners-appellants, who had obtained ex parte order, was absent. Accordingly, WPMP No.3502 of 2002 was dismissed and WVMP No.2278 of 2004 was ordered without any other reasons whatsoever.

Even if the counsel for the petitioners-appellants was absent, once an interim order had been passed in favour of the writ petitioners, may be ex parte, the vacate application could not have been ordered without assigning any other reason. The fact that counsel for the petitioners was absent could not be a valid ground to allow the vacate petition, which ought to have been decided considering the grounds urged in support of the said petition. Order being bad in law, appeal is allowed, order impugned in this appeal is set aside with direction that WVMP No.2278 of 2004 will be decided afresh in accordance with law. We are informed that implead application WPMP (SR) No. 109864 of 2004 is also pending. Same will also be taken up for consideration along with the applications.

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DEVINDER GUPTA, CJ

10-11-2004

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C.V.RAMULU, J

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To

1 The District Collector, Khammam District, Khammam
2 The Mandal Revenue Officer, Aswaraopeta Mandal, Khammam

District
3 The Assistant Engineer, Roads & Buildings Department, Aswaraopeta, Khammam District
4 The Deputy Executive Engineer, Roads & Buildings Department, Sathupally, Khammam District
5 The Executive Engineer, Roads & Buildings Departments, Aswaraopeta, Khammam District
6 The Depot Manager, A.P.S.R.T.C., Aswaraopeta, Khammam District.

7 2 CCs to the Govt. Pleader for Revenue, High Court Buildings,

Hyderabad (OUT).

8 2 CCs to the Govt. Pleader for Roads and Buildings, High Court

Buildings, Hyderabad (OUT).

9 2 CD copies.